

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Sabrina Clark, on behalf of herself and a class
of those similarly situated,

Plaintiffs,

vs.

Wells Fargo Financial, Inc. and Wells Fargo
Financial North Carolina, Inc. d/b/a Wells
Fargo Financial and Wells Fargo Financial
Acceptance, and DOES 1-50,

Defendants.

08-cv-00343 UA-WWD

MOTION TO STAY DEADLINE FOR FILING CLASS CERTIFICATION MOTION

Local Civil Rule 23.1(b) requires, within 90 days after service of a pleading purporting to commence a class, the proponent of the class shall file a motion for certification that the action is maintainable as a class action, unless otherwise ordered by the Court. Plaintiffs hereby move that the Court stay the deadline for filing a class certification motion in this matter until after Defendants serve their answer to the Complaint, and until after Plaintiffs have three months to conduct basic discovery related to class certification issues (beginning the day after the parties meet-and-confer pursuant to Fed.R.Civ.P. 26). In particular, Plaintiffs have had no opportunity to seek discovery, but intend to seek discovery, relating to Defendants' policies, practices, and procedures specifically concerning overtime in the immediate geographic area and under the direct management chain where and for whom the Plaintiffs worked. Plaintiffs are also likely to amend the Complaint, and it would most efficient to pursue this amendment prior to class certification.

I certify under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: 8/21/08

s/Bryan J. Schwartz

NICHOLS KASTER, PLLP

Donald H. Nichols, MN Bar No. 78918*

Paul J. Lukas, MN Bar No. 22084X*

4600 IDS Center, 80 South 8th Street

Minneapolis, MN 55402

Telephone (612) 256-3200

Fax (612) 218-4870

*admitted *pro hac vice*

NICHOLS KASTER, LLP

Bryan J. Schwartz, CA Bar No. 209903*

One Embarcadero Center, Suite 720

San Francisco, CA 94111

Telephone: (415) 277-7235

Fax: (415) 277-7238

*admitted *pro hac vice*

Margaret Rowlett (NC State Bar No. 17579)

margaretrowlett@earthlink.net

SMITH, JAMES, ROWLETT &

COHEN, LLP

101 South Elm Street, Suite 310

P.O. Box 990

Greensboro, NC 27402-0990

Telephone: 336-274-2992

Facsimile: 336-274-8490

ATTORNEYS FOR NAMED PLAINTIFFS
AND THE PUTATIVE CLASS

CERTIFICATE OF SERVICE

Clark, et al. v. Wells Fargo Financial, Inc. et al.

I hereby certify that on August 21, 2008, I caused the following document(s):

MOTION TO STAY DEADLINE FOR FILING CLASS CERTIFICATION MOTION

to be served via email to the following:

Joan B. Tucker Fife,
Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5802
jfife@winston.com

Jessie A. Kohler
Winston & Strawn LLP
333 South Grand Ave
Los Angeles, CA 90071-1543
jkohler@winston.com

Justin D. Howard
McGuire Woods, LLP
2600 Two Hanover SQ
Raleigh, NC 27601
jhoward@mcguirewoods.com

Dated: August 21, 2008

NICHOLS KASTER, LLP

/s/

Bryan J. Schwartz, CA Bar No. 209903*
One Embarcadero Center, Suite 720
San Francisco, CA 94111
Telephone: (415) 277-7235
Fax: (415) 277-7238
*admitted *pro hac vice*

ATTORNEYS FOR PLAINTIFFS AND
THE PUTATIVE CLASS